

## **EXHIBIT 17**

**REPORT OF INCIDENT  
(FORM 583 - NOVEMBER 1997)**

<b>SECTION 1: GENERAL INFORMATION</b>		REPORT # NEW 107-04-1	
INSTITUTION	USP Lewisburg	REGION	Northeast Region
REPORT DATE	December 9, 2004	SUBMITTED BY	Joseph V. Smith, Warden
DATE OF INCIDENT	December 9, 2004	TIME OF INCIDENT	2:00 P.M.
FBI NOTIFIED (Yes/No)	Yes	USMS NOTIFIED (Yes/No)	No
INCIDENT LOCATION (EXAMPLE: SHU)	Special Housing Cell #007		
PROHIBITED ACT CODE(S)	203 and 224		
INCIDENT REPORT NUMBER(S)	# 1290859		
<b>TYPE OF INCIDENT: (MARK ("X") WHERE APPROPRIATE AND COMPLETE SECTIONS SPECIFIED)</b>			
ESCAPE (COMPLETE SECTIONS 1, 2, & 6)			
ATTEMPTED ESCAPE (COMPLETE SECTIONS 1, 2, & 6)			
ASSAULT, INMATE ON INMATE (COMPLETE SECTIONS 1 & 6)			
<b>XX</b>	ASSAULT, INMATE ON STAFF (COMPLETE SECTIONS 1 & 6)		
INMATE DEATH (COMPLETE SECTIONS 1, 3 & 6)			
FIGHT (COMPLETE SECTIONS 1 & 6)			
CELL FIRE (COMPLETE SECTIONS 1 & 6)			
SELF MUTILATION (COMPLETE SECTIONS 1 & 6)			
SUICIDE ATTEMPT (COMPLETE SECTIONS 1 & 6)			
INTRODUCTION OF CONTRABAND (COMPLETE SECTIONS 1 & 6)			
<b>XX</b>	DISRUPTIVE BEHAVIOR (COMPLETE SECTIONS 1 & 6)		
WEAPONS DISCHARGE (COMPLETE SECTIONS 1, 4, & 6)			
<b>XX</b>	USE OF FORCE (COMPLETE SECTIONS 1, 5, & 6)		
MISCELLANEOUS (SPECIFY) (COMPLETE SECTIONS 1 & 6)			
WAS WEAPON USED? (Yes/No)	No	IF YES, WHAT TYPE?	N/A
IF THIS INCIDENT HAS MORE THAN FIVE (5) INMATES INVOLVED, ADDITIONAL LINES CAN BE ADDED BY PLACING CURSOR IN FIRST BLOCK UNDER "INMATE(S) INVOLVED." ON TOOL BAR SELECT TABLE, INSERT, # OF ROWS NEEDED.			
INMATE(S) INVOLVED	REG. NO.	SEX	RACE
Womack, David	08497-007	Male	Black
CITZ U.S.A. CIMS CATEGORY MGMT INT GROUP/STG			
Separation Rape H			
RACIAL/ETHNIC/SECURITY THREAT GROUP CONFLICT NOTES: N/A			
N/A			
STAFF INJURIES (Yes/No)	No	INMATE INJURIES (Yes/No)	No
IF MEDICAL TREATMENT REQUIRED BY EITHER STAFF OR INMATES, LIST NAMES, INJURIES, TREATMENT AND NAME OF MEDICAL STAFF PRESENT PRIOR TO OR DURING INCIDENT.			

WOMACK 000298

Exhibit 4  
4/6/10 B. Kelshaw

Inmate Womack was examined by L. Ramirez, Physician's Assistant, and was found to have sustained no injuries.

Lieutenant K. Gabrielson was examined by EMT L. Potter, and was found to have sustained no injuries.

**SECTION 2: ESCAPE OR ATTEMPTED ESCAPE (MARK ("X") WHERE APPROPRIATE) N/A**

INSIDE PERIMETER

OUTSIDE PERIMETER

ESCORTED TRIP

FURLough (SOCIAL/LEGAL/MEDICAL)

FURLough (INSTITUTION TO INSTITUTION)

FURLough (INSTITUTION TO COMMUNITY CONFINEMENT CENTER)

OTHER (SPECIFY)

**SECTION 3: INMATE DEATH N/A**

INMATE DEATH (LOCATION)

CAUSE OF DEATH

INVESTIGATIVE STEPS BEING TAKEN, IF NECESSARY

IF ALIEN, HAVE CONSULAR AND IMMIGRATION OFFICIALS BEEN NOTIFIED?  
(YES/NO/NOT APPLICABLE)

HAS SURVIVOR/DESIGNEE BEEN NOTIFIED? (YES/NO)

NAME AND ADDRESS OF  
SURVIVOR OR DESIGNEE

MEDICAL COMMENTS

**SECTION 4: WEAPONS DISCHARGE N/A**

NAME OF EMPLOYEE

POST ASSIGNMENT

TYPE OF WEAPON

NUMBER OF ROUNDS FIRED

DISCHARGE WAS (MARK ("X") WHERE APPROPRIATE)

ACCIDENTAL

LINE OF DUTY

OTHER (SPECIFY)

WAS REGIONAL OFFICE NOTIFIED (YES/NO)

CAPTAIN'S ANALYSIS AND DAMAGE REPORT

DAMAGE ESTIMATE (\$)

WERE TRAINING NEEDS INDICATED (YES/NO)

IF TRAINING NEEDS WERE INDICATED, EXPLAIN

WOMACK 000299

## SECTION 5: USE OF FORCE/RESTRAINTS/CHEMICAL AGENTS/NON-LETHAL WEAPONS N/A

## USE OF FORCE CLASSIFICATION (MARK ("X") WHERE APPROPRIATE)

<input checked="" type="checkbox"/>	EMERGENCY, UNPLANNED USE OF FORCE
<input type="checkbox"/>	CALCULATED, PLANNED USE OF FORCE
RESTRAINT EQUIPMENT USED:	RESTRAINT METHOD USED:
NONE	<input checked="" type="checkbox"/> AMBULATORY
HARD	<input type="checkbox"/> 2-POINT
SOFT	<input type="checkbox"/> 4-POINT

DATE PLACED IN RESTRAINTS December 09, 2004

TIME PLACED IN RESTRAINTS 3:06 PM

USE OF RESTRAINTS AUTHORIZED BY Joseph V. Smith, Warden

## OTHER EQUIPMENT USED (MARK ("X") WHERE APPROPRIATE) N/A

CHEMICAL AGENTS (TYPE, QUANTITY)	
STUN GUN (RANGE, # OF ROUNDS)	
BATON	
SHIELD	
MAG-LIGHT	
OTHER (SPECIFY)	

## LIST OF OTHER STAFF SUBMITTING MEMOS EXCLUDING PRINCIPLE STAFF

N/A

## REASON FOR USE OF FORCE (MARK ("X") WHERE APPROPRIATE) N/A

CONFRONTATION AVOIDANCE PROVED INEFFECTIVE	
<input checked="" type="checkbox"/> BECAME VIOLENT AND/OR ASSAULTIVE	
DISPLAYED SIGNS OF IMMINENT VIOLENCE	
DESTROYING PROPERTY	
ATTEMPTED SUICIDE	
INFILCTED WOUNDS ON SELF/OTHERS	
<input checked="" type="checkbox"/> ENFORCEMENT OF INSTITUTION REGULATIONS	
PREVENTION OF A CRIME	
APPREHENSION OF ONE WHO HAS COMMITTED A CRIME	
OTHER (SPECIFY)	

## LIST FULL NAME OF ALL PRINCIPLE STAFF INVOLVED IN INCIDENT

CONFRONTATION AVOIDANCE STAFF (NAME AND TITLE) -- PRESS ENTER AFTER EACH NAME/TITLE

FORCE CELL TEAM MEMBERS, IF USED (NAME AND TITLE) -- PRESS ENTER AFTER EACH NAME/TITLE

K. Gabrielson, Lieutenant

[ ]  
(b)(6), (b)(7)(C)  
(b)(7)(F)

L. Ramirez, Physician's Assistant

WAS THE INCIDENT VIDEOTAPED SEQUENTIALLY AS OUTLINED IN THE CORRECTIONAL SERVICES MANUAL? (YES/NO)

Yes

IF NO, EXPLAIN WHY NOT, AND INDICATE AT WHAT POINT TAPING DID BEGIN.

INDICATE TAPE ECN (EVIDENCE CONTROL #)

04-28

**SECTION 6: DESCRIPTION OF INCIDENT**

DESCRIPTION OF INCIDENT (IF USE OF FORCE, INCLUDE DETAILS, SUCH AS NAME OF THE SUPERVISOR APPLYING THE CHEMICAL AGENT AND/OR RESTRAINTS, REASONS FOR USE OF HARD RESTRAINTS INSTEAD OF SOFT RESTRAINTS, ETC.)

On December 09, 2004, at approximately 2:00 pm, the Special Housing Unit Lieutenant was attempting to remove the restraints from inmate Womack, David, #08497-007, at cell #007 in the Special Housing Unit. After removing the martin chain and black box, inmate Womack was placed in the cell, while staff maintained control of the inmate's hand restraints. As the cell door was closing with the SHU Lieutenant controlling the hand restraints through the food slot, inmate Womack became assaultive by attempting to pull the staff member's hands through the food slot and preventing the cell door from sliding closed with his feet. As the SHU Lieutenant still maintained control of the inmate, staff reached through the open door and removed inmate Womack from the cell. Once inmate Womack was removed from the cell, staff immediately applied leg irons and a martin chain in order to maintain control of the inmate. Inmate Womack began to threaten staff, stating he was going to throw urine and feces on any staff member that came near his cell. Inmate Womack was medically examined and found to have no injuries. Upon completion of the medical examination, inmate Womack was placed into ambulatory restraints and moved to cell #001 without further incident.

ROUTING: REGION/REGIONAL DIRECTOR; REGION/CORR SVCS; BOP-DIR/DIRECTOR;  
BOP-CPD/CORR SVCS 583S AND 586S; BOP-HSD/ASSISTANT DIRECTOR

FILE: CAPTAIN; INMATE CENTRAL FILE

WOMACK 000293